

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 26TH DAY OF NOVEMBER 2015/5TH AGRAHAYANA, 1937

Bail Appl..No. 6944 of 2015 ()

**CRIME NO. 1095/2015 OF ERATTUPETTAH POLICE STATION,
KOTTAYAM DISTRICT**

PETITIONERS/1ST AND 2ND ACCUSED :

- 1. JOPPU GEORGE, AGED 43 YEARS,S/O.GEORGE,
VELLUKKUNNEL HOUSE, THIDANADU KARA,
KONDOOR VILLAGE, CHEMMALAMATTAM P.O.**
- 2. RESSY JOPPU, AGED 40 YEARS,
W/O. JOPPY GEORGE, VELLUKKUNNEL HOUSE, THIDANADUKARA
KONDOOR VILLAGE, CEMMALAMATTAM P.O.**

**BY ADVS.SRI.T.A.SHAJI (SR.)
SRI.P.P.THAJUDEEN
SMT.C.SEENA**

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
(REPRESENTING THE STATION HOUSE OFFICER
ERATTUPETTA POLICE STATION, KOTTAYAM DISTRICT).**

BY PUBLIC PROSECUTOR SRI. SHIBU JOSEPH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 26-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A.HARIPRASAD, J.

B.A. No.6944 of 2015

Dated this the 26th day of November, 2015

ORDER

Application for pre-arrest bail under Section 438 Cr.P.C.

2. Petitioners are accused Nos.1 and 2 in Crime No.1095 of 2015 of Erattupetta Police Station registered for offences punishable under Sections 417, 419, 420, 465, 468 and 471 r/w Section 34 I.P.C.

3. Heard the learned Senior counsel for the petitioners and the learned Public Prosecutor of the State.

4. Prosecution case, in short, is that a certain property was settled by the father of the first accused in the name of the defacto complainant in the year 1975 by a registered document. Subsequently, the accused persons falsely created a document in the year 2004 purported to be a gift deed executed by the defacto complainant in favour of the second accused.

5. Case of the defacto complainant is that he was abroad at that time. Somebody must have impersonated before the Sub Registrar and got his property assigned in the name of the second

accused fraudulently. It is also alleged that the first accused stood as first identifying witness.

6. Learned Public Prosecutor opposed the bail application contending that identity of the impersonator has to be made out. Therefore, questioning the accused is essential for the advancement of the case. Learned Senior counsel for the petitioners submitted that the incident allegedly happened in the year 2004 and one of the witnesses, who was the original settler, died in the year 2015.

7. Considering the nature of allegations, I find that bail can be granted to the petitioners with following directions :

1. Petitioners shall appear before the investigating officer within a period of two weeks from today and submit themselves for interrogation and if required, they shall be asked to appear before him three days consecutively. On completion of interrogation, they shall be released on bail in the above crime on executing a bond for Rs.50,000/- each (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.

2. The sureties shall produce documents to establish their identity and solvency. The Investigating Officer need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
3. Petitioner shall appear before the Investigating Officer as and when directed in writing and co-operate with the investigation in the matter.
4. Petitioners shall not influence or intimidate witnesses.
5. If any of the above conditions is violated by the petitioners, the learned Magistrate having jurisdiction is free to cancel the bail.

amk

Sd/-
A.HARIPRASAD,
JUDGE.
//True copy//

P.A to Judge